REMARKS

This preliminary amendment is submitted with a request for continued examination. Claims 2-6 and 11-13 are pending. Claims 1 and 7-10 were previously canceled. The Office Action rejects Claims 2-4 and 11-13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,963,982 to Goldman ("Goldman"). Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldman in view of U.S. Pat. App. Pub. No. 2004/0148476 to Altare ("Altare").

Applicants have made clarifying amendments to several claims as set forth in the above listing of amended claims in order to more particularly and distinctly claim embodiments of the invention. These amendments are fully supported by the originally filed specification. New Claims 14-24 have been added and are fully supported by the originally filed specification. In light of the amendments and subsequent remarks, Applicants respectfully submit that the claims are in condition for allowance.

The Rejection of Independent Claims 11 and 12 under §102 is Overcome

Amended independent Claim 11 is directed to a method comprising using a null thread in a computing device to trigger initiation of defragmentation of data stored in the form of a plurality of frame pages on a memory of the computing device. The memory is arranged in the form of a plurality of blocks. The computing device has an operating system configured to run the null thread. The method further comprises restricting defragmentation of the data to occur only in an instance in which it is determined that the frame pages of data after defragmentation can be held in a reduced number of blocks of memory in comparison to prior to defragmentation. Amended independent Claim 12 is directed to an apparatus and, although having its own scope, recites features substantially similar to those of Claim 11 insofar as this discussion is concerned.

Accordingly, Applicants have amended the independent claims (Claims 11 and 12) to recite that a null thread is used to trigger initiation of defragmentation of data. The Office Action alleges that Goldman anticipates the independent claims as they stood prior to the instant response. Applicants respectfully submit that even if in arguendo Goldman discloses that which

the Office alleges, Goldman fails to teach or suggest use of a <u>null thread to trigger initiation of</u> <u>defragmentation of data</u>.

In this regard, even giving the disclosure of Goldman the broad construction set forth in the Office Action Goldman may arguably be construed to disclose the running of a defragmentation process during times when the computer system has become idle (It will be appreciated that Applicants make no such admission that Goldman discloses such, but rather merely discuss the scope of the disclosure *in arguendo* given the broad construction of Goldman set forth in the Office Action). However, Goldman does not include any disclosure how a determination is made that the computer system has become idle. In this regard, there is no disclosure in Goldman that discloses an actual triggering event that identifies the idle state of the computer system having commenced. Accordingly, it will be appreciated that Goldman does not teach or suggest triggering defragmentation using the null thread, as recited in the amended independent claims.

In fact, Goldman teaches away from using the null thread as a trigger to initiate defragmentation. In this regard, Column 3, lines 10-13 of Goldman teach that defragmentation is performed "when the computer is not receiving input". This directly contrasts with the embodiments claimed in the independent claims, where the computer is clearly receiving, as input, the null thread.

Accordingly, Goldman does not teach or suggest each feature recited in the amended independent claims. Moreover, none of the other cited references, taken alone or in combination, cure the deficiencies of Goldman. Applicants therefore respectfully submit that the amended independent claims are patentably distinct from the cited references, taken alone or in combination, such that the rejection is overcome. Applicants further respectfully submit that the amended independent claims are in condition for allowance.

<u>The Rejection of the Dependent Claims is Overcome</u>

Because each of the dependent claims includes each of the recitations of a respective independent base claim, Applicants further submit that the dependent claims are patentably distinguishable from the cited references, taken alone or in combination, for at least those

reasons discussed above. Accordingly, applicants respectfully submit that the rejections of the dependent claims are overcome and the dependent claims are in condition for allowance.

New Claims 14-24 are in Condition for Allowance

New independent Claims 14 and 17 are directed to a method and apparatus, respectively. Each of Claims 14 and 17 recites the feature of triggering initiation of defragmentation of data in response to detecting running of a null thread. Accordingly, Claims 14 and 17 are patentably distinct from the cited references, taken alone or in combination, and in condition for allowance for at least those reasons set forth with respect to Claims 11 and 12.

New dependent Claims 15-16 and 18-24 include each of the recitations of a respective independent base claim. Accordingly, Claims 15-16 and 18-24 are patentably distinguishable from the cited references, taken alone or in combination, and in condition for allowance for at least those reasons discussed above.

CONCLUSION

In view of the amended claims and remarks presented above, it is respectfully submitted that all of the present claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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